

IOWA DEPARTMENT OF

INSPECTIONS & APPEALS

COVID-19

FREQUENTLY ASKED QUESTIONS FOR
**RESTAURANTS, BARS, AND
OTHER FOOD BUSINESSES**
FOR **BLACK HAWK, DALLAS, JOHNSON, LINN,
POLK, AND STORY COUNTIES**

Created 08/27/20

How to use these FAQs

This document is designed to provide answers to the frequently-asked questions specifically relating to restaurants, bars, and other food businesses in six Iowa counties only: **Black Hawk, Dallas, Johnson, Linn, Polk, and Story.**

The [Governor's Proclamation of Disaster Emergency issued on Aug. 27, 2020](#) states that all bars, taverns, wineries, breweries, distilleries, night clubs, and other establishments in these counties that sell alcoholic beverages for consumption on their premises shall be closed to the general public, with certain exceptions (including carry-out, drive-through, or delivery sales, to the extent permitted by applicable law).

Additionally, restaurants in these six counties will be restricted to selling alcohol from 6 a.m. to 10 p.m. Monday through Saturday, and 8 a.m. to 10 p.m. on Sunday. Restaurants serving alcohol must also prepare and serve food to all customers, and follow social distancing and all other protocols as outlined in the [Governor's Proclamation of Disaster Emergency issued on Aug. 21, 2020](#).

The Aug. 27 proclamation for businesses in these six counties is **effective from 5 p.m. on Aug. 27, 2020, through 11:59 p.m. on Sept. 20, 2020.**

Additional Guidance and Links

If additional COVID-related guidance regarding alcoholic beverages is needed, visit the [Iowa Alcoholic Beverages Division website](#) or contact ABD via [email](#) or by calling 515.281.7400.

Questions

Q1: In restaurants that are open to customers who are dining, can the restaurant serve drinks before 10 p.m. and allow the customers to finish the drinks after 10 p.m.? Or, does all alcohol need to be off the tables like it normally would for the regular 2 a.m. bar closing time?

A: Last call should be BEFORE 10 p.m. Restaurants should not be allowing customers to order multiple beverages for themselves just prior to last call. However, "to-go" drinks that are legally packaged and transported off the premises are allowed to be purchased after 10 p.m.

Q2: Can a bar or other alcohol establishment in Black Hawk, Dallas, Johnson, Linn, Polk, or Story county sell alcoholic beverages "to go?"

A: Yes. To the extent permitted by applicable law, the governor's proclamation allows bars and other alcohol establishments to sell food or beverages if the food or beverages are promptly taken from the premises (e.g., via carry-out, drive-through, or delivery).

Q3: Can a bar or a restaurant sell alcoholic beverages "to go" after 10 p.m.?

A: Yes. To the extent permitted by applicable law, the governor's proclamation allows restaurants and alcohol establishments to sell food and beverages for off-premises consumption, such as carry-out, drive-through, or delivery, after 10 p.m.

Q4: Can a bar or other alcohol-based business partner with a mobile food unit or other food business to remain open?

A: No. A bar cannot partner with a mobile food unit or other food establishment to remain open.

Q5: Who will enforce the bar closures in the six counties?

A: Local law enforcement, the Iowa Alcoholic Beverages Division (ABD), and Iowa Department of Inspections and Appeals (DIA) have enforcement authority.

Q6: What are the repercussions if a bar is found violating the new proclamation?

A: Actions may include citations, monetary penalties, license suspension, and license revocation.

Q7: What is the time period that will be used to determine if a facility meets the 50-percent-revenue-from-food requirement to stay open?

A: This determination will be made on a case-by-case basis depending on several factors, including how long the establishment has been in business. The business is advised to maintain documentation of food and alcohol sales that clearly supports they are a restaurant and not a bar according to the proclamation.

Q8: Can a bar or other alcohol establishment change its business model to that of a restaurant and remain open?

A: Yes, however, approval from the food-licensing authority is required. A bar owner who wishes to change their business model to that of a restaurant is required to contact the Iowa Department of Inspections and Appeals or the local food-licensing authority to determine if the establishment's facilities can adequately support the new business model. A pre-operational inspection may be necessary to ensure the food safety regulations are met and the facility supports the new business model. The establishment is advised to maintain documentation of food and alcohol sales that clearly supports they are a restaurant and not an alcohol establishment. The business is also advised to contact city officials to see if there are other requirements the business must meet.

Q9: If a bar gains approval from the Iowa Department of Inspections and Appeals or the local food-licensing authority to operate as a restaurant, can the establishment sell alcohol in addition to food, provided the sales of alcohol accounts for 50 percent or less of monthly revenue?

A: Yes, upon approval of the new business model an establishment may operate as a restaurant and the restaurant requirements must be followed. The establishment must ensure they maintain documentation of food and alcohol sales that clearly supports they are operating as a restaurant and not an alcohol establishment.

Q10: Do customers at a restaurant, private event or party (e.g. graduation or wedding reception) have to be seated if they are eating or drinking?

A: Yes, the governor's proclamation states that all patrons must have a seat at a table, booth, or bar, and must consume their food and beverage while seated at the table, booth, or bar. Additionally, the restaurant or venue must ensure that:

- Alcohol is served with food;
- All customers within the establishment have a seat;
- All food and beverage consumption occurs while guests are seated;
- Alcohol sales do not account for more than 50 percent of the business' monthly revenue;
- Alcohol sales for on-premises consumption cease at or before 10 p.m.; and
- All other social distancing requirements are met.

Q11: Can a restaurant serve someone a drink if they walk up to the bar in a restaurant or must it all be table service only?

A: Food and alcohol must be consumed while seated. Although customers are allowed to pick up their own beverages at the restaurant bar, the operator must ensure the drink is consumed while seated.

Q12: Are growler refills allowed in a winery or brewery with proper sanitization?

A: Yes, properly-licensed wineries and breweries may continue growler sales. The current proclamation did not impact carry-out sales such as growler refills.

Q13: Are customers allowed to enter bars or other alcohol establishments to select/order and purchase carry-out food and beverages? Or does the sale have to take place online and delivery be made to the customer outside of the business?

A: Onsite selection and purchase of beverages or food is allowed in a bar, winery, distillery, brewery, etc if it is carry-out. Establishments must limit patrons from congregating together closer than six feet.

Q14: Can an entertainment, concert, recreation, or performance venue in one of these six counties remain open? (e.g., comedy club, pool hall, bowling alley, arcade, volleyball, etc.).

A: The entertainment part of the business (e.g. bowling, pool, live performance) may remain open. However, if alcoholic beverages are sold, the establishment must meet all of the requirements for a restaurant:

- Alcohol must be served with food;
- All customers within the establishment must have a seat;
- All food and beverage consumption must occur while seated;
- Alcohol sales may not account for more than 50 percent of the business' monthly revenue;
- Alcohol sales for on-premises consumption must cease at or before 10 p.m.; and
- All other social distancing requirements must be met.